

JOURNAL OF THE HOUSE.

Thursday, September 28, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Goodness and Truth, we look to and depend upon Your always available assistance in our desire and struggle to remain faithful to You, our high ideals and personal goals and values. We believe that Your ways offer us direction in our search for purpose and meaning in our daily routine. Help us to cope with and to respond correctly to our legislative and personal responsibilities in our changing world, society and communities. Teach us to be aware of and respond to the variety of human needs of the people in our districts.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. DiMasi of Boston) commending all state employees on the occasion of "Performance Recognition Day";

Performance
Recognition Day.

Resolutions (filed by Representatives Fagan of Taunton and Haddad of Somerset) congratulating Michael Andrade on receiving the Eagle Award of the Boy Scouts of America;

Michael
Andrade.

Resolutions (filed by Representatives Fagan of Taunton and Haddad of Somerset) congratulating John Cotreau on receiving the Eagle Award of the Boy Scouts of America;

John
Cotreau.

Resolutions (filed by Representatives Fagan of Taunton and Haddad of Somerset) congratulating Cole Giannini on receiving the Eagle Award of the Boy Scouts of America;

Cole
Giannini.

Resolutions (filed by Representatives Fagan of Taunton and Haddad of Somerset) congratulating David Sienko on receiving the Eagle Award of the Boy Scouts of America;

David
Sienko.

Resolutions (filed by Representatives Fagan of Taunton and Haddad of Somerset) congratulating Jason Sienko on receiving the Eagle Award of the Boy Scouts of America;

Jason
Sienko.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Russell S. Mann upon his retirement from the Sharon Police Department;

Russell S.
Mann.

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Mr. and Mrs. Fred and Betty Hollis on celebrating their sixty-fifth wedding anniversary;

Fred
and Betty
Hollis.

Cape Cod
Boys and
Girls Club.

Resolutions (filed by Representatives Patrick of Falmouth, Turkington of Falmouth, Perry of Sandwich, Gomes of Harwich and Atsalis of Barnstable) congratulating the Boys and Girls Club of Cape Cod on the occasion of "Lights on After School", a national celebration of after school programs; and

Paul
McCormick.

Resolutions (filed by Mr. Turner of Dennis) congratulating Paul McCormick on receiving the Dennis Friends of Scouting fourteenth annual award for outstanding service to the community;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Sannicandro of Ashland, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

Yarmouth,
ballot
information.

By Mr. Turner of Dennis, petition (accompanied by bill, House, No. 5300) of Cleon H. Turner and others (by vote of the town) that the town of Yarmouth be authorized to provide voters with certain information relative to binding and nonbinding ballot questions. To the committee on Election Laws.

New
Bedford,
liquor
licenses.

By Mr. Cabral of New Bedford, petition (accompanied by bill, House, No. 5301) of Antonio F. D. Cabral and Mark C. Montigny (with the approval of the mayor and city council) that the city of New Bedford be authorized to issue additional licenses for the sale of wine and malt beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Hopedale,
stabilization
fund.

By Mrs. Parente of Milford, petition (accompanied by bill, House, No. 5302) of Marie J. Parente and Richard T. Moore (by vote of the town) that the town of Hopedale be authorized to deposit certain receipts into the stabilization fund of said town. To the committee on Municipalities and Regional Government.

South
Hadley,
school
custodians.

By Mr. Scibak of South Hadley, petition (accompanied by bill, House, No. 5303) of John W. Scibak (by vote of the town) relative to exempting the position of school custodian in the town of South Hadley from the provisions of the civil service law. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Reports of Committees.

Deficiency
appropriations.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 5145, reported, in part, a Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5304) [Direct Appropriation: \$87,542,756.00; Prior Appropriation continued: \$10,598,341.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Under suspension of the rules, on motion of Mr. Petruccielli of Boston, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mrs. Parente of Milford moved that the bill be amended by adding the following section:

"SECTION 36. Nothing in Massachusetts state law shall be interpreted as providing benefits or access to any program offered by the commonwealth or any political subdivision thereof by undocumented or illegal aliens resident in the commonwealth."

The amendment was rejected.

The same member then moved that the bill be amended by adding the following section:

"SECTION 36. Sections 1 and 7 of chapter 151 of the Massachusetts General Laws shall apply to residents of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not apply to illegal or undocumented aliens."

The amendment was rejected.

The same member then moved that the bill be amended by adding the following section:

"SECTION 36. Any personal injury or death caused by an illegal or undocumented driver shall result in immediate lifetime prohibition from obtaining a license in Massachusetts."

The amendment was rejected.

The same member then moved that the bill be amended by adding the following section:

"SECTION 36. Chapter 30A of the General Laws is hereby amended by adding the following section:

Section 18. No resident of the commonwealth in applying for any program or benefit offered by the commonwealth or any political subdivision thereof shall be required to furnish any personal data or other information that is not required by an undocumented person or any other person applying for such program or benefit."

The amendment was rejected.

The same member then moved that the bill be amended in section 2 by inserting after item 2511-0100 the following item:

"Department of Business and Technology.

7007-0900	For a grant to the Town of Hopedale for a police memorial	25,000".
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The amendment was rejected.

The same member then moved that the bill be amended in section 2 by inserting after item 2511-0100 the following item:

"Department of Public Health.

4510-0600	For a grant to the Milford Board of Health to monitor, assess and contain health risks to the community posed by an influx of immigrants	100,000".
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The amendment was rejected.

The same member then moved that the bill be amended in section 2 by inserting after item 2511-0100 the following item:

"Department of Business and Technology.

7007-0900	For a grant to Old St. Mary's Cemetery for an Irish Famine Memorial in the town of Milford	100,000".
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The amendment was rejected.

The same member then moved that the bill be amended in section 2 by inserting after item 2511-0100 the following item:

Deficiency
appropriations.

“Department of Conservation and Recreation.
2820-0100 For a grant to the Milford Park Department for
restoration of overused fields 100,000”.

The amendment was rejected.

The same member then moved that the bill be amended in section 2
by inserting after item 2511-0100 the following item:

“Department of Business and Technology.
7007-0900 For a grant to relocate the Emergency 911/Dispatch
Center in the Milford Police Department 150,000”.

The amendment was rejected.

The same member then moved that the bill be amended by adding
the following section:

“SECTION 36. The Massachusetts Department of Highways shall
add to the sound barrier priority list and shall give priority status to
the design and construction of sound barriers in Milford along inter-
state route 495 near Hillcrest Drive along the southbound right of
way beginning about 0.1 mile south of the Hopkinton town line,
near Eben Street along the southbound right of way beginning about
1.4 miles south of the Hopkinton town line, and near Bodio, Attilio,
and Eugene Circles along the northbound right of way beginning
about 1 mile north of the Bellingham town line.”.

The amendment was rejected.

The bill then was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Murphy of
Burlington, the bill (having been reported by the committee on Bills
in the Third Reading to be correctly drawn) was passed to be
engrossed. Sent to the Senate for concurrence.

Boston Public
Library,
property cap.

By Mr. Donato of Medford, for the committee on Steering, Policy
and Scheduling, that the Senate Bill eliminating the property hold-
ings cap for the Boston Public Library (Senate, No. 2484, amended)
be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton,
the bill was read a second time forthwith; and it was ordered to a
third reading.

Lincoln,
liquor
license.

By Mr. Donato of Medford, for the committee on Steering, Policy
and Scheduling, that the Senate Bill authorizing the town of Lincoln
to issue a single license for the sale of wine and malt beverages
(Senate, No. 2503) [Local Approval Received] be scheduled for
consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Peterson of
Grafton, the bill was read a second time forthwith; and it was ordered
to a third reading.

Westborough,
easement.

By Mr. Donato of Medford, for the committee on Steering, Policy
and Scheduling, that the House Bill authorizing the town of
Westborough to release an easement over land (House, No. 4862) be
scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton,
the bill was read a second time forthwith; and it was ordered to a
third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy
and Scheduling, that the House Bill relative to investments of trust
funds for the city of Newton (House, No. 4876) [Local Approval
Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton,
the bill was read a second time forthwith; and it was ordered to a
third reading.

Newton,
investments.

By Mr. Donato of Medford, for the committee on Steering, Policy
and Scheduling, that the House Bill authorizing the town of
Shrewsbury to send certain information to the voters of the town
(House, No. 5013) [Local Approval Received] be scheduled for con-
sideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton,
the bill was read a second time forthwith; and it was ordered to a
third reading.

Shrewsbury,
ballot
questions.

By Mr. Donato of Medford, for the committee on Steering, Policy
and Scheduling, that the House Bill designating in the towns of
Arlington, Lexington, Lincoln and Concord a scenic byway of the
Commonwealth of Massachusetts to be known as “The Battle Road:
The Road to Revolutions” (House, No. 5222) be scheduled for con-
sideration by the House.

Under suspension of Rule 7A, on motion of Mr. Peterson of
Grafton, the bill was read a second time forthwith; and it was ordered
to a third reading.

Battle Road ,
scenic byway.

A report of the committee on Public Safety and Homeland
Security, ought NOT to pass (under Joint Rule 10), on the petition
(accompanied by bill, House, No. 5140) of Charles A. Murphy and
Robert A. Havern (by vote of the town) for legislation to place on
the ballot in the town of Burlington a certain question relative to
prohibiting elected officials from holding more than one elective
office in said town, was considered forthwith, under suspension of
the rules, on motion of Mr. Murphy of Burlington.

Pending the question on acceptance of the report, the petition was
recommitted, on further motion of the same member.

Burlington,
elected
officials.

Orders of the Day.

The engrossed Bill relative to hazardous materials mitigation
(see House, No. 1315) (which had been returned to the House by His
Excellency the Governor with recommendation of amendment) (for
message, see House, No. 5248), was considered.

The amendment recommended by His Excellency the Governor
then was adopted in the following form (as approved by the commit-
tee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place
thereof the following:

“Section 5 of chapter 21K of the General Laws, as appearing in
the 2004 Official Edition, is hereby amended by adding the
following subsection:—

(m) the commonwealth shall, subject to appropriation, reimburse
a municipality for costs incurred for the emergency mitigation

Hazardous
materials.

response of its members of a hazardous materials mitigation emergency response team and shall pay an annual stipend of \$3,000 to each member of that team.”. Sent to the Senate for its action.

Third
reading
bill.

The Senate Bill authorizing private road betterment borrowing by the town of Brewster (Senate, No. 1198), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Relative to the use of out-of-state motor vehicle licenses as valid identification (House, No. 2218); and

Relative to the Cambridge retirement system (House, No. 4460) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

Recess.

At twenty before twelve o'clock noon, on motion of Ms. Khan of Newton (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measures.

Patricia
Miller,
sick leave
bank.

The engrossed Bill establishing a sick leave bank for a certain employee of the Department of Social Services (see Senate, No. 2665, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Supplemental
budget

The engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5304), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill
enacted.

On motion of Mr. DiMasi of Boston,—

Ordered. That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M. Next
sitting.

Ms. Walz of Boston then moved that as a mark of respect to the memory of Leo E. Diehl, a member of the House from Cambridge from 1937 to 1940, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-two minutes after one o'clock P.M., on motion of Ms. Wolf of Cambridge (Mr. Donato of Medford being in the Chair), the House adjourned to meet on Monday next at eleven o'clock A.M., in an Informal Session.